

By: Goolsby

H.B. No. 2978

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the procedures required for a governmental entity to
3 perform construction-related work on facilities under the
4 construction manager-agent method.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 271.117(c), Local Government Code, is
7 amended to read as follows:

8 (c) Before, after, or concurrently with selecting a
9 construction manager-agent, the governmental entity shall select
10 or designate an engineer or architect who shall prepare the
11 construction documents for the project and who has full
12 responsibility for complying with Chapter 1001 or 1051, Occupations
13 Code, as applicable. If the engineer or architect is not a
14 full-time employee of the governmental entity, the governmental
15 entity shall select the engineer or architect on the basis of
16 demonstrated competence and qualifications as provided by Section
17 2254.004, Government Code. The governmental entity's engineer or
18 architect may not serve, alone or in combination with another
19 person, as the construction manager-agent unless the engineer or
20 architect is hired to serve as the construction manager-agent under
21 a separate or concurrent procurement conducted in accordance with
22 this subchapter. This subsection does not prohibit the
23 governmental entity's engineer or architect from providing
24 customary construction phase services under the engineer's or

1 architect's original professional service agreement in accordance
2 with applicable licensing laws.

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2005.